For Public Use (To be posted online along with survey responses)

a. Candidate Name: Mark Haase

b. County: Hennepin County

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f. Please provide a link to a headshot of the candidate. [Or email a jpeg or other image to Aliya Khan, akhan@aclu-mn.org.]

g. (Optional) Please provide a link to a video clip (no longer than 60 seconds) of the candidate answering this question from Rock the Vote: “How would you be a champion for young people, particularly those of color?” [Questions? Contact Jana Kooren at jkooren@aclu-mn.org.]

Ending Mass Incarceration

1. Do you agree that prosecutors’ practices have contributed significantly to mass incarceration?
   Please select:
   ○ Yes
   ○ No

Please elaborate:

Although Minnesota has a relatively low incarceration rate compared to other states, it is over twice that of the UK and over three times that of Canada. And, we have one of the highest rates of people on probation in the country. This has not been driven by an increase in crime. In fact, we continue to counterproductively keep our jails as full as they have ever been, with Minnesota’s incarceration rate actually increasing even as it goes down across the country, and even as crime has dropped over 3 decades to the lowest it has ever been. Conventional prosecution with a narrow focus on punishment and “winning” cases has been a significant factor in this mass incarceration and criminalization, because of the discretion prosecutors have in charging and the power they have in plea negotiations and sentencing. I believe in holding people accountable for their actions, and sometimes prison is an appropriate consequence, but it is time to reconsider whether the public benefits from the volume and length of prison sentences currently sought by our elected prosecutors; and to question if this is the best use of our resources and if it allows us to focus those resources where they are most needed.
2. Will you commit to implementing practices aimed at reducing the jail and prison populations by a specific percentage by the end of your upcoming four-year term? 
Please select: 
☐ Yes 
☐ No 

Please elaborate: 
I very much want to see the jail and prison population decreased. However, I am unwilling to set a target percentage. Prosecutors should work to handle a case appropriately based on the specific case, and quotas are antithetical to a fair and impartial County Attorney office. I will monitor prison and jail populations and make the information related to my office public and easily accessible, and I will act to lower it, but I do not wish to set artificial targets that could interfere with a line attorney’s reasoned professional judgment. 

If "Yes," please identify your goal and what specific combination of reforms you anticipate will help realize this goal. 

It is my goal to reduce the jail and prison populations. I would work to achieve this by directing our line attorneys to decline to charge some drug possession offenses; to limit the use of pretrial detention; and for most nonviolent offenses to seek sentences at the lowest level of the sentencing guidelines unless given permission to seek a higher sentence level based on aggravating circumstances. 

3. Will you commit to decreasing prosecutions of drug offenders and instead promote the use of diversion and/or treatment programs? 
Please select: 
☐ Yes 
☐ No 

Please elaborate: 
The enforcement and over-charging of marijuana prohibition has criminalized an entire generation of people who are not criminals–largely along racial and economic lines; wastes justice system resources that can be better used elsewhere; and unnecessarily puts police in conflict with the community. I will decline to charge marijuana offenses unless there are extenuating circumstances like very, very large amounts or sale to a minor, and will advocate for an end to marijuana prohibition. 

Drug abuse is a public health problem. Trying to address it with criminal justice system resources is expensive and often makes underlying problems worse, and should only be used when alternatives have not helped someone stop using. I will increase diversion opportunities including offering pre-charge diversion for first-time drug possession crimes up to 3rd degree, with a requirement to be screened for drug treatment services. Second offenses will be offered diversion after charging, third offenses a stayed adjudication and probation. I will work with county law enforcement agencies and drug treatment/recovery advocacy agencies and other partners to create a county-wide network of drug diversion into substance abuse screening and services.
Standing Up to Police Misconduct

4. Will you swiftly, thoroughly, and transparently investigate officer-involved shootings and claims of police brutality, and make your findings publicly available?

Please select:

○ Yes
○ No

Please elaborate:

I believe that public officials must be held accountable. That means that when an officer commits a crime, they should be held accountable. If I, as the elected County Attorney, decide not to charge an officer, I should be accountable for that. In those situations, I would provide the public with access to the information I used to make my decision. I am concerned with the public lack of trust in these decisions; I would create an independent police charging advisory panel to increase trust, mitigate any bias I may have, and to help me make better charging decisions.

5. Because prosecutors need to work closely with law enforcement personnel, officer-involved shootings and claims of police brutality necessarily create conflicts of interest for prosecutors. Will your office recuse itself and call for an independent investigation by the Attorney General of Minnesota in such cases?

Please select:

○ Yes
○ No

Please elaborate:

I agree that the conflict of interest in these cases is high. I will therefore work with the Attorney General, the legislature, and other county attorneys to create a system where these cases will be prosecuted independently. In the meantime, I will not hesitate to hold police accountable when appropriate, and will create an independent police-charging advisory panel to advise me on police charging decisions. These independent criminal law experts will help me to make the best decision possible under the law, and will help to build community trust in the decision. I will not recuse myself in these cases until an alternative is made available.
Combatting Racial Disparities

6. Will you commit to implementing ongoing anti-bias training and examining bias in charging, hiring decisions, bail recommendations, diversionary-program placements, and plea bargains.

Please select:

- Yes
- No

Please elaborate:

I will implement ongoing training and evaluation programs to ensure that line attorney staff are trained to seek outcomes fairly and equitably. However, I believe that bias training is a necessary, but insufficient, step towards building a fair court system. I will also ensure that my staff is trained on the collateral consequences of conviction, the long-term harm of conviction that defendants face in housing and employment, and the ripple effect that this can have on communities. Staff will also be required to understand and monitor the race data on outcomes for the office noted in question #11. We must ensure that the staff of the Hennepin County Attorney’s Office is not only equipped to prevent bias in individual cases, but aware of the larger-scale harms that the status quo causes.

7. Will you decline to file charges against an individual where evidence indicates racial profiling or other racial bias in stopping, searching, or arresting the individual, or investigating the crime?

Please select:

- Yes
- No

Please elaborate:

In order to rebuild public trust, there need to be fundamental changes in policing. Communities of color have been overexposed to police attention and investigation. Pretextual stops diminish public trust and hamper public safety. In order to build public safety, the communities suffering from crime must feel safe and comfortable with police.

Refusing to prosecute when evidence is the product of pretextual stops will be difficult. There will be cases where evidence of serious crimes will need to be set aside. However, the principled decision to forgo charging and prosecuting these cases will have huge net benefits for public safety by rebuilding trust between the law enforcement system and the communities most often impacted by the law enforcement system. For these reasons I will decline to use evidence gathered in pretextual stops.
Ending Poverty Penalties and Money Bail

8. Minnesota’s Constitution prohibits excessive bail but does not require individuals to post money bail at all. Thus, prosecutors have the discretion to refrain from asking courts to require money bail. Would you commit to starting a system that ends in release without cash bail in most circumstances?

Please select:

☐ Yes
☐ No

Please elaborate:

Justice shouldn’t be based on how much money someone has, but in Hennepin County people are often held in jail before trial, even for low-level nonviolent crimes, because they can’t afford to post bail. Those that have no money sit in jail, those that have a little can get out but lose their money to a bail bond company, and those that have plenty get out and get it all back when they appear for court. This is simply wrong. Pretrial detention also pressures people to plead guilty and actually increases the likelihood of reoffending.

Cash bail reforms have been happening all over the country, but little has changed in Hennepin County. As County Attorney I will limit the requesting of pretrial detention to those cases where there is a clear public safety or flight risk. In other cases, I will advocate for the use of pretrial conditions and unsecured bonds (a promise to pay if someone doesn’t appear at their hearing) as appropriate.

Ensuring Accessibility, Transparency, and Accountability

9. Will you commit to developing and implementing a plan to personally, regularly, and meaningfully engage and communicate with all constituencies in your county in the first 100 days of your term (especially communities of color, immigrant communities, community-based organizations, and criminal-justice-reform advocates) and to involve them in determining the priorities of your office?

Please select:

☐ Yes
☐ No

Please elaborate:

I am running for this office because Hennepin County should be a leader in criminal justice reform and innovation. In order to make lasting, meaningful change, I will need community stakeholders to shape what justice looks like. Communities that have been negatively impacted by bad policy are in the best position to know what changes are necessary. I will listen to communities of color, criminal-court reform advocates, and other stakeholders to guide me in implementing necessary reforms. I will create a community advisory board to review our office policies and promising practices in other jurisdictions, and work with this board to make needed changes. I will work closely with community organizations to make sure this process does truly, as noted above, include the voices of those traditionally marginalized in our systems of decision-making.
10. Will you commit to post on your office’s website all policies, protocols, and MOUs dealing with prosecution guidelines, police-involved incidents, bail recommendations, fines and fees, diversion programs, plea bargains, civil asset forfeiture, immigration considerations, and indigent determinations?

Please select:

○ Yes

○ No

Please elaborate:

I will make the policies and procedures and outcome data of the county attorney’s office publicly and easily accessible. The public should know how the County Attorney is spending public resources. Prosecution decisions should be transparent, consistent, and subject to public scrutiny. By publishing this information, the public will be able to understand the power held by the County Attorney, and the public will be better able to make informed decisions in County Attorney elections. Additionally, publishing these standards will give defendants and defense lawyers access to the prosecution’s guidelines and rationales, making the system more equitable and reducing disparities in outcomes.

11. Will you commit to collect and post on your office’s website quarterly statistical information disaggregated by race and gender on felony-charging decisions, convictions, declinations to charge, and diversion-program placements?

Please select:

○ Yes

○ No

Please elaborate:

I do not know if I will be able to post this data on a quarterly basis, but that will be my goal and I do commit to providing transparent data to the public at least annually or as often as possible. As noted above in question #10, I believe it is critically important that the public have access to this type of information.
Protecting Immigrant Communities

12. Will you commit to adopt a written policy and a training program that encourages prosecutors to (1) consider the unintended immigration-related consequences of prosecutorial decisions at all stages of a case and to (2) use their discretion to reach immigration-safe dispositions for noncitizens whenever it is possible and appropriate?

Please select:

☐ Yes
☐ No

Please elaborate:

Even permanent resident immigrants can be deported for low-level criminal convictions, including misdemeanors. Prosecutors in my office will be trained in these immigration consequences. They will be given the discretion to reach the most just outcome in all cases, regardless of the immigration status of the defendant.

13. To protect immigrant victims of crime, will you commit to adopt and promote a written U-Visa policy that includes a rebuttable presumption of helpfulness and requires that U-Visa certifications be completed regardless of whether charges were brought, a conviction was achieved, or the case has concluded?

Please select:

☐ Yes
☐ No

Please elaborate:

The U-Visa is for victims of certain crimes who have suffered mental or physical abuse and are helpful in the investigation or prosecution of criminal activity. It is critical that victims in these cases are protected so that law enforcement agencies can effectively investigate and prosecute cases of domestic violence, sexual assault, human trafficking and other crimes.
14. Will you commit to refrain from using any of the resources of your office to enforce federal immigration laws, leaving such enforcement to federal officials?

Please select:

- Yes
- No

Please elaborate:

Immigration laws are federal laws so it is not appropriate that local resources be used to enforce them. Additionally, the enforcement or prosecution of federal immigration laws would make many residents of Hennepin County fearful of cooperating with law enforcement in the reporting, investigation, and prosecution of crimes, decreasing public safety throughout the county.

Advancing Youth Justice

15. Will you reduce the number of children in adult court by (1) committing to reduce the number of minors prosecuted as adults and (2) expanding the use of informal diversion and pre-filing diversion in juvenile cases?

Please select:

- Yes
- No

Please elaborate:

Kids need room to learn, and looming incarceration and probationary restrictions do not foster healthy development. While some cases will require structured programming and probation, I intend to divert more cases, reduce the probationary conditions to the lowest level consistent with maintaining public safety and supporting rehabilitation, and reducing the number of cases where children are prosecuted as adults. I will also work to increase the use of supportive diversion programs and restorative justice programs that hold youth accountable that help them to better understand the consequences of their actions.
16. Recognizing that children and youth are categorically less culpable than adults, that they have less impulse control, and that they have a profound capacity for transformation, will you decline to seek life in prison without the possibility of parole for any person who was under 25 at the time of an offense your office is prosecuting?

Please select:

- [ ] Yes
- [x] No

Please elaborate:

I believe life without the possibility of parole for young people is an inappropriate sentence because research shows that the brain is still developing much past the age of 18, with impulse control and decision-making functions of the brain the least developed. I will not seek life without the possibility of parole for juveniles, and advocate to eliminate it in Minnesota statutes (mandatory life without parole for juveniles has been ruled unconstitutional by the U.S. Supreme Court.). For those 18 and older, I will be reluctant to seek a sentence of life without parole, and the age of the defendant will be a factor I will consider. I believe almost everyone can change and should eventually get a second chance. However, because Minnesota law allows for the sentence of life without parole, and I may be faced with the rare case of someone under 25 where this sentence could be appropriate, I decline to make a commitment to never seek it.

Thank you for participating in this survey.